

## **DEPARTMENT OF JUSTICE (DOJ)**

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### **Programs**

*Office of Restorative Justice (statutory)*

- *Web page*
- *Referrals*

### **Staffing**

Although the Office of Restorative Justice was established by the legislature in 2001, it has been combined with the Office of Consumer Protection and Victim Services. The combined office is staffed by 12 FTE, a VISTA volunteer, and one other AmeriCorps volunteer. Two FTE manage or oversee various aspect of victim services, 5 FTE are dedicated to a victim compensation program, and the balance of the FTE positions are dedicated to consumer protection. No staff are dedicated to restorative justice. However, Ms. Joan Eiel, program specialist in the combined office, monitors restorative justice matters, among her many other responsibilities.

### **Funding**

Initially created in 2001 by HB 637 (sponsored by Rep. Kaufmann), the Office of Restorative Justice received three 1-year \$30,000 federal grants offered through the Montana Board of Crime Control. These grants allowed for a full-time restorative justice coordinator and also allowed the office to fund training events and provide technical assistance to various public and private entities interested in incorporating restorative justice into their programming. However, after the grants expired, no further funding was provided. Currently, the Office of Restorative Justice is not funded.

### **Program Summary**

Sections 2-15-2012 through 2-15-2014, MCA, (enacted by HB 637 in 2001) articulate the intent, outline the purpose, and establish an account for the Office of Restorative Justice. *(See Attachment A.)*

A web page under DOJ's victim services website tab provides a summary of the restorative justice philosophy and the purpose of the restorative justice office, links to other resources, and contact information. *(See Attachment B.)*

### **Evaluation**

Because the Office of Restorative Justice is essentially dormant, there are no significant activities to evaluate.

**RESTORATIVE JUSTICE INVENTORY**  
*For the Law and Justice Interim Committee*  
*2011-2012 Interim*

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### **Primary Points of Contact**

Matt Dale, Director, Office of Consumer Protection and Victim Services, (406) 444-1907  
Joan Eliel, Program Specialist, Office of Consumer Protection and Victim Services, (406) 444-5803

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## **MCA Extract 2009 - Restorative Justice**

**2-15-2012. Intent.** The legislature recognizes that incarcerating offenders carries an extremely high cost and may not be the most effective strategy for restoring victims, reforming offenders, and reducing recidivism. It is the intent of 2-15-2013 to divert appropriate offenders who are at low risk for violence from incarceration to community programs based on restorative justice and to divert funds from the department of corrections to the department of justice to support an office of restorative justice and to support community programs based on restorative justice.

**2-15-2013. Office of restorative justice.** (1) There is an office of restorative justice in the department of justice.

(2) The purposes of the office of restorative justice are to:

(a) promote the use of restorative justice throughout the state by balancing the needs of victims, communities, and juvenile and adult offenders;

(b) provide technical assistance to jurisdictions and organizations interested in implementing the principles of restorative justice; and

(c) bring additional resources to Montana communities for restorative justice programs.

(3) (a) For the purposes of 2-15-2012, 2-15-2014, and this section, the term "restorative justice" means the philosophy of promoting and supporting practices, policies, and programs that focus on repairing the harm of crime, strengthening communities around the state, emphasizing accountability, and providing alternatives to incarceration for offenders who are at low risk for violence.

(b) Restorative justice is intended to improve the ability of the justice system to meet the needs of victims, to encourage community and victim participation in the criminal justice process, to reduce crime and increase the public sense of safety, to hold offenders accountable, and to provide rehabilitation and reintegration of offenders back into the community.

(c) Restorative justice programs include but are not limited to victim-offender meetings, family group conferencing, sentencing circles, use of victim and community impact statements, restitution programs, constructive community service, victim awareness education, victim empathy programs, school expulsion alternatives, peer mediation, diversion programs, and community panels.

(4) Efforts of the office of restorative justice may include but are not limited to:

(a) providing educational programs on the philosophical framework of restorative justice;

(b) providing technical assistance to schools, law enforcement, youth courts, probation and parole officers, juvenile corrections programs, and prisons in designing and implementing applications of restorative justice;

(c) housing a repository for resources and information to coordinate expertise in restorative justice;

(d) serving as a liaison between victims, the judiciary, and state agencies, such as the

*Attachment A*

department of justice and the department of corrections, that are involved in criminal and juvenile justice efforts, including victim compensation programs;

(e) providing information to schools, local governments, law enforcement, state agencies, the judiciary, and the legislature regarding systemic changes that may be necessary to enhance further development of restorative justice in the state; and

(f) securing additional resources for restorative justice programs through a grant program administered by the board of crime control, which may be coordinated with other appropriate grant programs of agencies, and providing sustained funding for successful community programs.

**2-15-2014. Restorative justice fund created -- source of funding -- use of fund. (1)**

There is an account in the state special revenue fund established by 17-2-102 to be known as the restorative justice fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money from a state or local agency for the purposes of 2-15-2013;

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of 2-15-2013; and

(d) money received by the department of justice for the purpose of administering 46-15-411(2).

(3) Except as provided in subsection (2)(d), the fund may be used only to provide grants for restorative justice programs as provided in 2-15-2013 to community-based, including faith-based, organizations.

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## MONTANA DEPARTMENT OF JUSTICE • VICTIM SERVICES

Victim Services

## Restorative Justice

- Restorative Justice Library

**Restorative justice** is a philosophy of repairing the harm done by crime through an emphasis on involving the parties most affected by a crime. This includes a focus on:

- providing opportunities for victims to participate in assuring that justice is done
- assuring offender accountability, rehabilitation and reintegration into the community
- seeking participation of local communities in issues of crime and justice
- helping offenders assume personal responsibility to victims and to the community for the crimes committed
- helping offenders improve their skills and understanding through the restorative justice experience

Under 2-15-2013 of the Montana Code Annotated, the Office of Victim Services:

- promotes the use of restorative justice throughout the state by balancing the needs of victims, communities and juvenile and adult offenders
- provides technical assistance to jurisdictions and organizations interested in implementing the principles of restorative justice
- brings additional resources to Montana communities for the purpose of restorative justice

Since opening in October 2001, the office has:

- maintained a list-serve and housed a library of restorative justice resources

## Restorative Justice Programs

Montana communities have implemented a number of programs based on this philosophy, including victim/offender meetings, family group conferencing, sentencing circles, the use of victim and community impact statements, restitution programs, victim awareness education, school expulsion alternatives, diversion programs and community panels.

Restorative Justice is effective because:

- The traditional role of a victim as simply a witness or complainant is expanded to view victims as key/crucial clients of the criminal justice system. Interaction with victims is guided by their needs.
- A community has the opportunity to assume its obligations for the welfare of its members, for addressing the causes of crime and for building a more peaceful community.
- Offender accountability and responsibility are recognized as central to the success of a justice process, as well as the need to re-integrate offenders into the community.

Attachment B

- A number of studies of restorative practices, like mediation, restitution and family-group conferences, indicate a decrease in recidivism and an increase in participant satisfaction.

## Other Resources

- International Institute for Restorative Practices
- Montana Department of Corrections: Victim-Offender Dialogue Program
- Prison Fellowship International Centre for Justice & Reconciliation: Restorative Justice Online
  - Comprehensive list of restorative justice sites
- University of Minnesota: Center for Restorative Justice & Peacemaking

For more information about Restorative Justice programs in Montana, contact:

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